

REMARKS

Claims 10, 11, and 13-15 are pending in this application.

Applicant has amended claims 10, 14, and 15, and has canceled claim 12. These changes do not introduce any new matter.

Rejections Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claims 10-14 under 35 U.S.C. § 103(a) as being unpatentable over *Kuwata et al.* (“*Kuwata*”) (US 2002/0030833 A1) in view of *Nitta* (JP 2001-186297) (as noted above, claim 12 has been canceled). As will be explained in more detail below, the combination of *Kuwata* in view of *Nitta* would not have rendered the subject matter defined in independent claims 10 and 14, as amended herein, obvious to one having ordinary skill in the art.

Applicant has amended each of independent claims 10 and 14 to include the features of original claim 12. In particular, each of claims 10 and 14 has been amended to specify that in the case of failed retrieval of both the image processing control information and the shooting information, the series of image processing of the image data is executed according to default image processing control information, which is general-purpose image processing information set for preset image data. Applicant has further amended each of claims 10 and 14 to specify that 1) the image processing control information includes at least one of a color space matrix value used for image processing, a contrast adjustment-related parameter, and a sharpness adjustment-related parameter, and 2) the shooting information includes at least one of parameters relating to an exposure correction value at the time of shooting, a light source, and white balance.

The Applied References

The *Kuwata* reference is related to the concept of image processing control information (“IPCI”). As such, the disclosure of the *Kuwata* reference is premised on the use of IPCI. In particular, the *Kuwata* reference states that image processing is carried out with a default condition if the IPCI is unavailable.

The *Nitta* reference discloses an image processing technique which allows a user to select a predetermined image processing mode or an auto-selection mode in an image processing apparatus. If the auto-selection mode is selected, *Nitta*’s technique determines a shooting mode, based on the shooting mode included in the shooting conditions or the shooting conditions, to perform image processing.

The Claimed Subject Matter Distinguished from the Applied References

As defined in present claims 10 and 14, the claimed subject matter uses image processing control information (“IPCI”) to carry out image processing when the IPCI is obtainable. If the IPCI is not obtainable, then the claimed subject matter instead uses shooting information to carry out image processing.

In contrast, the *Kuwata* reference is premised on the idea that image processing with IPCI is more useful than image processing with shooting information. Consequently, there is no suggestion in the *Kuwata* reference concerning the use of shooting information instead of IPCI when the ICPI is unavailable. Further, the *Kuwata* reference does not at all disclose or suggest the problems caused by the unavailability of IPCI.

In view of the foregoing, Applicant respectfully submits that there would not have been any reasonable motivation for one having ordinary skill in the art to incorporate the use of shooting information for image processing into the *Kuwata* reference.

The *Nitta* reference discloses image processing with the use of shooting information. In support of the obviousness rejection, the Examiner asserts that *Nitta* discloses IPCI as in

the claimed subject matter (see page 5 of the Office Action). Applicant respectfully traverses the Examiner's characterization of the *Nitta* reference relative to the claimed subject matter. The parameters used by *Nitta* for image processing are all related to shooting information and, consequently, these parameters do not constitute IPCI as in the claimed subject matter. As such, the *Nitta* reference does not provide technical support for the obviousness rejection.

Moreover, as discussed above, there is no reasonable motivation for combining the *Nitta* reference, which discloses the use of shooting information, with the *Kuwata* reference, which uses IPCI. To be more specific, as the *Kuwata* reference does not disclose or suggest the problems caused by the unavailability of the IPCI, there is a significant disincentive against combining the *Kuwata* and *Nitta* references because the *Kuwata* reference is premised on the superiority of image processing with IPCI compared to image processing with shooting information.

Furthermore, even if the *Kuwata* and *Nitta* references were to be combined in the manner proposed by the Examiner (a proposition with which Applicant does not agree), this combination would not have resulted in each and every feature of the subject matter defined in present claims 10 and 14. In particular, neither *Kuwata* nor *Nitta* discloses or suggests the concept of selectively using either of two pieces of information in accordance with a predetermined priority order and finally performing default image processing. Thus, the combination of *Kuwata* in view of *Nitta* cannot reasonably be considered to disclose or suggest in what priority order the two pieces of information, namely the IPCI and the shooting information, and the default values should be used.

In summary, the *Nitta* reference does not provide technical support for the obviousness rejection. Further, one having ordinary skill in the art would not have been motivated to combine the *Kuwata* and *Nitta* references in the manner proposed by the Examiner. And even if the *Kuwata* and *Nitta* references were to be combined in the manner

proposed by the Examiner, this combination would not have resulted in each and every feature of present claims 10 and 14. As such, the combination of *Kuwata* in view of *Nitta* would not have rendered the subject matter of present claims 10 and 14 obvious to one having ordinary skill in the art.

Accordingly, independent claims 10 and 14, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Kuwata* in view of *Nitta*. Claims 11 and 13, each of which depends from claim 10, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Kuwata* in view of *Nitta* for at least the same reasons set forth above regarding claim 10.

Applicant respectfully requests reconsideration of the rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable over *Kuwata* in view of *Nitta*, and further in view of Official Notice. Applicant has amended independent claim 15 along the same lines that claims 10 and 14 have been amended. Thus, the arguments set forth above regarding present claims 10 and 14 also apply to present claim 15. Accordingly, for at least the foregoing reasons, independent claim 15, as amended herein, is patentable under 35 U.S.C. § 103(a) over the combination of *Kuwata* in view of *Nitta*, and further in view of Official Notice.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 10, 11, and 13-15, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection

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with the filing of this paper, then the Commissioner is authorized to charge such fees to

Deposit Account No. 50-0805 (Order No. MIPFP046).

Respectfully submitted,
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